

APPEAL NO. 030267
FILED MARCH 12, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on January 2, 2003. The hearing officer determined that the respondent (claimant) sustained a compensable repetitive trauma injury with a date of injury of _____, and that the claimant had disability from June 13, 2002, through the date of the CCH. The appellant (carrier) appeals and the claimant responds, urging affirmance.

DECISION

Affirmed.

We first note that the case file contains a four-page letter from the claimant's treating doctor, Dr. M. The cover letter is dated February 10, 2003, subsequent to the date of the CCH, and was received by the Texas Workers' Compensation Commission's Chief Clerk of Proceedings on February 13, 2003. The letter was also attached to the claimant's pro se response. Dr. M did not sign the letter "on behalf of the claimant," nor was Dr. M a party at the CCH, and there is no evidence, nor any allegation, that Dr. M is a subclaimant pursuant to Section 409.009. We will disregard the letter from Dr. M.

Whether the claimant sustained a compensable injury and had disability are factual questions for the hearing officer to resolve. The hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence, as well as the weight and credibility that is to be given to the evidence. Section 410.165(a). The Appeals Panel will not disturb the challenged factual findings of a hearing officer unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). We have reviewed the matters complained of on appeal and conclude that the hearing officer's decision is supported by sufficient evidence.

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **TRANSCONTINENTAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Roy L. Warren
Appeals Judge

CONCUR:

Robert W. Potts
Appeals Judge

Edward Vilano
Appeals Judge